

REMARKS/ARGUMENTS

Claims 1-15 are pending in the application. In the Office Action, claims 1-12 and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,061,956 to Brown, et al. (Brown). Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of U.S. Patent No. 6,972,542 to Patino, et al. (Patino). Claims 7, 8, and 15 have been amended to clarify that the magnitude of a second predetermined threshold is lower than the magnitude of a first predetermined threshold. Support for the amendments can be found on page 9, lines 23-24 and page 10, lines 10-12 of the application.

Independent claim 1 recites the limitation of activating a switch when the voltage level of an input power supply increases to reach a first predetermined threshold and deactivating the switch when the voltage level of the input power supply decreases to reach a second predetermined threshold. Independent claims 8 and 15 recite similar subject matter. The Examiner acknowledges that Brown does not disclose these features but states that performing these steps would have been obvious to one skilled in the art (see page 3 of the Non-final Office Action of December 7, 2007). The motivation, according to the Examiner, would be to "... prevent the charging element for [sic] being overcharged or completely depleted" (see page 4 of the Non-final Office Action).

Applicants respectfully disagree with the Examiner's assertion and submit that Brown teaches away from incorporating the above limitation into the charging scheme described in Brown. In particular, activating the switch of Brown when the voltage level *increases* to a first threshold - as one skilled in the art would appreciate - would more

than likely lead to an overcharge condition. Brown expressly describes shutting off a charging switch when the voltage gets too high (i.e., increases to a first threshold) and to activate this switch at this threshold, which the Examiner proposes to do, directly contradicts the overcharge protection scheme of Brown.

Similarly, deactivating the switch when the voltage level decreases to a second threshold –as the Examiner proposes - would interfere with proper charging of the charging element in Brown. Specifically, Brown calls for activating a charging switch when the voltage level drops back below a safe, second threshold. Deactivating the switch at this second threshold would prevent charging current from reaching the charging element at a time when it would otherwise be safe to do so.

In view of the above, Applicants submit that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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